

**CITY OF WEST LINN
DECLARATION OF A STATE OF EMERGENCY
IMPOSING A MORATORIUM ON RESIDENTIAL EVICTIONS**

WHEREAS, I declared a state of emergency exists in the City of West Linn due to COVID-19 in the Declaration of a State of Emergency dated the 19th day of March, 2020; and

WHEREAS, the facts stated in that declaration continue to exist, as well as the following additional facts:

WHEREAS, the World Health Organization (WHO) has declared that COVID-19 virus is a global pandemic, which is particularly severe in high risk populations such as people with underlying medical conditions and the elderly, and the WHO has raised the health emergency to the highest level requiring dramatic interventions to disrupt the spread of this virus; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency to allow the government to marshal additional resources to combat the virus; and

WHEREAS, on March 17, 2020, the Governor of the State of Oregon announced new orders on social distancing measures, effective for at least four weeks, that include:

A statewide cancelation of all events and gatherings larger than 25 people — exempting essential locations like workplaces, grocery stores, pharmacies, and retail stores. It's additionally recommended that Oregonians avoid gatherings of 10 people or more.

Restrictions on restaurants, bars, and other establishments that offer food or beverages for sale to allow only carry-out and delivery with no on-site consumption permitted.

An urgent request that all businesses assess their practices, implement strong social distancing measures, and close their doors temporarily if they cannot put the Governor's guidance in place.

WHEREAS, the COVID-19 crisis has had a significant impact on the local economy impacting retail, restaurant and other industries resulting in layoffs and reduced work hours for a significant percentage of this workforce and loss of income for small businesses; and

WHEREAS, layoffs and substantially reduced work hours will lead to widespread economic hardship that will disproportionately impact low- and moderate- income workers resulting in lost wages and the inability to pay for basic household expenses, including rent; and

WHEREAS, evictions result in a loss of housing and create housing instability,

potentially increasing the number of people experiencing homelessness and creating a heightened risk of virus transmission; and

WHEREAS, jurisdictions across the nation are considering or have implemented eviction moratoriums to provide housing stability during this unprecedented public health emergency; and

WHEREAS, Article XI, section 2, and Article IV, section 1(5), of the Oregon Constitution grants cities broad police powers to enact policies and regulations tailored to the needs of the city; and

WHEREAS, a temporary moratorium on residential evictions during the COVID-19 outbreak is expected to protect the public health, safety, and welfare by reducing the number of individuals and families entering into homelessness during this epidemic, which means potentially lowering the number of people who may be subjected to the virus, develop the virus or spread the virus; and

WHEREAS, in order to encourage West Linn residents to comply with closures and prevent further spread of COVID-19, the City must protect its residents from the fear of potential eviction due to economic dislocation; and

WHEREAS, the ability to maintain housing during this pandemic is a public health imperative; and

WHEREAS, the state of emergency necessitates the utilization of emergency powers granted to City officials pursuant to the West Linn Charter; West Linn Municipal Code section 2.700 et. seq. ; and ORS Chapter 401; and

WHEREAS, West Linn City Council has established by resolution 2017-21 an Emergency Operations Plan with procedures to prepare for and carry out any activity to prevent, minimize, respond to, or recover from an emergency and which authorizes the Mayor to “order such other measures as are necessary for the protection of life or property”.

WHEREAS, the local state of emergency due to COVID-19 requires the issuance of an additional declaration specifically aimed at a moratorium on residential evictions during the declared state of emergency in order to keep people housed and protect the public safety, health and welfare as set forth in this Declaration of State of Emergency; and

NOW, THEREFORE, BE IT DECLARED BY THE CITY COUNCIL OF THE CITY OF WEST LINN:

Section 1. This declaration is intended as an addendum to the March 19, 2020 Declaration of Emergency and provides additional measures to address these emergency conditions.

Section 2. A temporary moratorium is imposed on all residential evictions in the City of West Linn for tenants on the basis of nonpayment of rent due to wage loss resulting from COVID-19.

Section 3. To establish eligibility for this moratorium, affected tenants must:

- a. Demonstrate substantial loss of income, through documentation or other objectively verifiable means, resulting from the COVID-19 pandemic, including federal, state, county or City of West Linn restrictions imposed to mitigate its spread; and
- b. Notify their landlords on or before the day that rent is due that they are unable to pay rent due to substantial loss of income as a result of the COVID-19 pandemic.

Section 4. Nothing in this moratorium shall relieve tenants of liability for unpaid rent, which landlords may seek, and tenants must pay within six months after expiration of this emergency. No late fee may be charged or collected for rent that is delayed for the reasons stated in this moratorium; nor may a landlord seek rent that is delayed for the reasons stated in this moratorium through the eviction process.

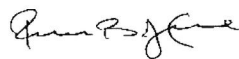
Section 5. Any place of lodging within the City of West Linn must accept and/or retain housing any individual whose payment is subsidized either by the City of West Linn or Clackamas County or a contractor of either the City of West Linn or Clackamas County.

Section 6. Refusal to accept or retain housing of individuals whose payment is subsidized either by the City, Clackamas County or a contractor of either the City of West Linn or Clackamas County during the declarations of emergency will be subject to fines and penalties to the greatest extent possible;

Section 7. The Mayor directs the West Linn City Attorney to draft an ordinance that will impose retroactive fines and penalties for violation of these measures; and

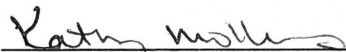
Section 8. These temporary measures shall remain in effect for the duration of the declaration of emergency set forth in the March 19, 2020 Declaration of a State of Emergency Due to COVID-19.

DATED this 19th day of March, 2020.



RUSSELL B. AXELROD, MAYOR

ATTEST:



KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "J. V. Rennis".

CITY ATTORNEY